

In addition, if Group IV is elected, the Office is requiring the election of a single disclosed Species.

Applicants elect, with traverse, Group I, Claims 1-3, for further prosecution. Applicants note that an election of a single disclosed Species is not necessary with the election of Group I.

① Applicants note that claims of Group IV are directly dependent from the claims of Groups I-III, as such these groups are not separable.

Citing MPEP §806.04 and MPEP §808.01, the Office has characterized the inventions
② of Groups I and II; Groups I and III; and, II and III as unrelated. However, the Office has merely restated its position from the Restriction Requirement of July 18, 2002, and has still not provided sufficient reasons and or examples to support this assertion. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Accordingly, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

In regard to Groups I and IV; Groups II and IV; and, Groups III and IV, the Office
③ has characterized the relationship between these two groups as product and process of use. Citing MPEP §806.05(h), the Office concludes that the process for using the product can be practiced with a materially different product. However, the Office has merely restated its position from the Restriction Requirement of July 18, 2002, and has still not provided sufficient reasons and or examples to support this assertion. Further, the Office has failed to show that the proposed process is materially different from the claimed process. In fact, Applicants submit that the claims of Group IV are directly dependent from the claims of Groups I-III, and as such this process *is* practice with the products of Groups I-III. Accordingly, Applicants respectfully submit that the Office has failed to meet the burden

necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully traverse on the additional grounds that the Office has not shown that a burden exists in searching the entire application.

Moreover, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.


Applicants submit that a search of all claims would not constitute a serious burden on the Office.

For the reasons set forth above, Applicants contend that the Restriction Requirement is improper and should be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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